

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kosmala et al..

§ Group Art Unit:

Serial No.: 10/520,958

§ Examiner:

Filed: 01/11/2005

§

For: SYSTEM AND METHOD FOR
OBTAINING AND ANALYSING WELL DATA

§

Atty. Docket: 103.0001/US/PCT

Attention of: Office of PCT Legal Administration

RECEIVED

Mail Stop PCT
 Commissioner for Patents,
 Office of PCT Legal Administration
 P.O. Box 1450,
 Alexandria Virginia, 22313-1450,
 U.S.A.

17 OCT 2006

Legal Staff
International Division**RENEWED PETITION UNDER 37 CFR 1.137(b)**

Dear Sir:

This is a renewal of the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) originally filed on August 1, 2006, and dismissed without prejudice on August 18, 2006. A newly signed Declaration for Utility Patent Application associated with this Renewed Petition is attached.

It is respectfully requested that this Petition be granted and the subject application be revived.

No fee is required for this Renewed Petition. However, the Commissioner is authorized to charge any fee for the Petition and any additional fees or credit any overpayment to Deposit Account No. 50-2475.

Respectfully submitted,

Date: October 17, 2006

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18 AUG 2006

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In re Application of GAJRAJ et al
 U.S. Application No.: 10/520,958
 PCT Application No.: PCT/GB03/02945
 Int. Filing Date: 08 July 2003
 Priority Date Claimed: 17 July 2002
 Attorney Docket No.: 103.0001/US/PCT
 For: SYSTEM AND METHOD FOR OBTAINING
 AND ANALYZING WELL DATA

DECISION

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 01 August 2006.

BACKGROUND

On 08 July 2003, applicant filed international application PCT/GB03/02945, which claimed priority of an earlier United Kingdom application filed 17 July 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 22 January 2004. The thirty-month period for paying the basic national fee in the United States expired on 17 January 2005.

On 11 January 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 July 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 July 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 01 August 2006, applicant filed the present petition under 37 CFR 1.137(b).

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DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), the declaration submitted with the petition is improper. Specifically, the declaration lists four different individuals as the "Sole or First Inventor". Furthermore, the declaration appears to be an improper composite declaration. See MPEP 201.03, which states that where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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